

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 713 - SB 1112

March 24, 2011

SUMMARY OF BILL: Deletes the definition of discharge for the purposes of custody, control, and supervision of a delinquent juvenile by the Department of Children's Services (DCS). Deletes the definition of home placement of a delinquent juvenile for the purpose of continued DCS supervision. When a juvenile is transferred from a juvenile court to an adult court, custody by DCS shall terminate unless the judge determines that the juvenile should remain in DCS custody. Terminates DCS custody upon conviction in an adult criminal court. Authorizes a juvenile who has been transferred to an adult court to be placed in a juvenile detention facility or an adult facility. If placed into an adult facility, the youth must be housed separated from adult detainees.

Requires that unless a committing court has made an objection in writing to a juvenile being placed on home placement within the 15 day period before the placement is effective, the court shall have assented to the home placement which will commence immediately. Authorizes the court to order that DCS supervision is not necessary for a juvenile who is put on home placement. If a committing court objects to home placement, the DCS Commissioner or the Commissioner's designee shall review the file and consult with the judge in the form of a hearing set by the court or by motion of DCS or an attorney for the juvenile. Requires notice to be given to the court within 10 days of DCS removing a juvenile from trial home placement and that a review hearing be held on this action with 30 days. Authorizes the Commissioner of DCS or the Commissioner's designee to discharge from DCS custody a juvenile placed on state probation or under home placement supervision by DCS. If the committing court objects to the termination of custody, the Commissioner of DCS or the Commissioner's designee shall review the juvenile's file and within 30 days a hearing shall be held.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- According to the Administrative Office of the Courts, any impact on caseloads in the juvenile courts will be absorbed within existing resources.
- The number of cases impacted will not be significant.
- No significant impact on the number of juveniles entering or leaving DCS custody

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

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